

Notice of Allowability

Application No.

09/987,723

Examiner

Khanh B. Pham

Applicant(s)

FARBER ET AL.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed May 28, 2004.
2. ☒ The allowed claim(s) is/are 54-56, 59, 63, 68-70, 72-95 and 98-121, Re-numbered as 1-56.
3. ☒ The drawings filed on 15 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20040527.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brian Siritzky, Applicant's Representative, on November 19, 2004.

The application has been amended as follows:

In the claims:

- **Claims 57-58, 60-62, 64-65, 96-97 have been canceled.**
- Claims 83 and 84: "--and--" has been inserted after the semicolon at the end of line 4.
- Claim 98: "--and--" has been inserted after the semicolon at the end of line 5.
- Claim 92 has been amended as follows: (see next page)

92. (Currently Amended) A method comprising:

obtaining a list of True Names, one for each of a plurality of files, wherein, for each of the files, the True Name for that file is determined using a function of the contents of the file;

for at least some computers that make up part of a peer-to-peer network of computers, comparing at least some of the contents of the computers to the list of True Names to determine whether unauthorized or unlicensed copies of some of the plurality of data files are present on those computers; and

based at least in part on said comparing, if a computer is found to have content that it is not authorized or licensed to have, recording information about the computer and about the unauthorized or unlicensed content.

Allowable Subject Matter

2. **Claims 54-56, 59, 63, 68-70, 72-95, 98-121 allowed.** (Re-numbered as 1-56)

3. The following is an examiner's statement of reasons for allowance

In view of the amendment filed May 28, 2004, the obvious-type double patenting rejection of claims 54-109 over claims 1-55 of co-owned US patent 6,415,280 has been withdrawn.

The examiner finds applicant's argument concerning Nelson (US 5,452,447) and Hamilton (US 5,640,564) references persuasive (Applicant's amendment dated May 28,

2004, pages 23-27). Neither Nelson nor Hamilton teach the combination of claimed elements including: "obtaining a name for a data file, the name being based at least in part on a given function of the data" and "wherein a copy of the requested file is only provided to licensed parties" as recited in independent claim 54. Thus, prior art of record neither renders obvious nor anticipates the combination of claimed elements in light of the specification. Independent claims 55, 56, 59, 63, 70, 74, 75, 83, 84, 92, 95, 98, 102-105, 107, 110-112, 118-120 recite similar limitations cited above, or "determining unauthorized copy or unlicensed copy of the data file" and therefore also allowable. Dependent claims are allowed at least by virtue of their dependencies from pertinent independent claims. After a further search and a thorough examination of the present application and in light of the prior art made of record, claims 54-56, 59, 63, 68-70, 72-95, 98-121 are allowed

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham
Examiner
Art Unit 2167

KBP
November 19, 2004

KBP


Primary Examiner